

Application For the Indiana Supreme Court

The application for the spring 2016 vacancy on the Indiana Supreme Court includes two parts. Both Part One and Part Two must be completed. Part Two *must* be provided separately as directed in the instructions. Answers in Part One and Part Two are a matter of public record and will be supplied to the media and public upon request. However, only answers in Part One may be posted online by the Indiana Judicial Nominating Commission.

Part One, Sections 1-11

1. Contact/General Information

A. Full legal name and any former names

**David Earl Cook,
No former names**

B. State the full name (use initials for minor children), age, and relationship of each person residing in your household. For each adult living in the household (other than yourself), also state the person's occupation and employer.

**Christine Cook, 65, spouse
Court Reporter, Marion County Superior Court Criminal Division Four
Marion County**

Children are adults and have separate residences.

C. Business address, email and telephone number.

**Indiana Alcohol & Tobacco Commission
302 West Washington Street
Government Center South, E114
Indianapolis, IN 46204
dcook@atc.IN.gov
317-232-2462**

D. Attorney Number **3344-49**

E. Month and year admitted to the bar. **May 1977**

a. Current law status	Active/Good Standing
b. Member of any other Bar	No

- F. Date and place of birth. **July 8, 1946**
Anderson, Indiana
- G. County of current residence and date you first became a resident.

Marion County, Indiana
1972

2. Secondary Education/Military Experience

- A. List all undergraduate colleges and universities attended. Include school name; dates enrolled; degrees or certificates earned; and any academic honors, awards, or scholarships received.

Indiana University	1964-1966	No degree earned
Ball State University	1969-1971	BS, Business Administration
		Honor Roll Senior Year

- B. Include with the original application a certified transcript from each school named in Subsection 2A, and attach copies of each transcript to each application copy. (redact social security number) – **attached Tab A.**
- C. If applicable, list any military service. Include the name of the military branch; dates of service; last rank; and any honors, awards, or commendations received and when. Attach DD214 paperwork - **attached Tab B**

United States Army, 28th Ordinance Company
1966-1969
Specialist 5th Class, Honorable Discharge
No specific honors, awards or commendations

3. Post-Secondary Education

- A. List all law schools, graduate schools, and post-J.D. programs attended. Include the school name; dates enrolled; degree or certificate earned; class rank; any academic honors, awards, or scholarships received and when.

Ball State Graduate School of Business
1972
Did not complete graduate degree because accepted to law school in 1973.

Indiana University School of Law, Indianapolis
1973-1977
J.D. Degree
Class Rank – no information available as to class rank
No academic honors, awards or scholarships

- B.** Include with the original application a certified transcript from each school named in Subsection 3A, and attach copies to each transcript to each application copy (redact social security number) – **attached Tab A**

4. Employment

- A.** Provide your employment history since graduation from college. Include name of employer, titles or positions, locations and dates of employment.

Travelers Insurance Company **1972-1977**
Indianapolis, Indiana
Claims Adjustor/Supervisor Worker's Compensation

David Cook, Attorney **1977-1979**
Indianapolis, Indiana
Private Practice

Marion County Prosecutor's Office **1979-1989**
Indianapolis, Indiana
Major Felony Court Supervisor/Chief Trial Deputy

Samper Hawkins Atz & Cook **1989-1995**
Indianapolis, Indiana
Private Practice

Marion County Circuit Court **1990-1995**
Indianapolis, Indiana
Master Commissioner

Marion County Public Defender **1995-2008**
Indianapolis, Indiana
Chief Public Defender

Gresk & Singleton, Of Counsel **2008-2013**
Indianapolis, Indiana
Private Practice

**Marion Superior Court
Criminal Division Seven
Indianapolis, Indiana
Judge**

2014-2015

**Indiana Alcohol & Tobacco
Commission
Chairman/Director**

2015 to Present

- B. Describe the nature and extent of the practice of law (present and former), and provide the names of your partners, associates, office mates and employers.**

Out of law school I associated with Dan Cummings (retired) and Marcus Emery (deceased) in the private practice of law. During that time I conducted a general practice of law concentrating on personal injury, business and family law.

In 1979 I joined the Marion County Prosecutor's Office (Steve Goldsmith was the elected prosecutor). At the end of my first year I was promoted to Supervisor of Major Felony Criminal Court One. During that period I tried to conclusion major felony jury trials including numerous homicide cases. In 1981 I was promoted to Chief Trial Deputy and, from that time until my resignation in 1989, I prosecuted high profile major felony homicide jury cases. As Chief Trial Deputy, I prosecuted 13 capital defendants which resulted in 10 death penalty jury trials. All defendants were convicted as charged, 9 of which were sentenced to death.

In 1989 I joined an association of attorneys which included Ferd Samper (deceased), Tom Atz (retired), and Grant Hawkins (now Judge, Marion County Superior Court Criminal Division Five). My practice during my time at Samper Hawkins Atz & Cook was predominantly criminal defense and family law. During that period I defended one capital case, *State of Indiana vs. William Alcorn*, 49G06-9112-CF-170715. In the immediate weeks prior to the actual trial the state dropped the death penalty request and substituted a request for life without parole. The defendant was acquitted. Also during this time I was chosen and served as a Federal Community Defender for the United States District Courts for the Southern District of Indiana. The caseload at the U.S. Courts consisted of complex, multiple defendant drug cases, child molest cases and crimes against the person.

In addition to my private practice, from 1990 to 1995, I was Master Commissioner for the Marion County Circuit Court. As a part time judicial officer, I presided over a calendar of civil disputes, name changes, and re-docketed family law matters. I served as Master Commissioner for the Honorable Jack Ryan (deceased) along with co-commissioner William Lawrence now United States District Court Judge for the Southern District of Indiana.

From 1995 to 2008 I served as chief public defender for Marion County Indianapolis, Indiana. As chief public defender I defended criminal cases and administered a multi-million dollar public service agency with over 200 employees. The agency was responsible for legal representation in all criminal cases, criminal appeals, juvenile and CHINS cases. Robert Hill, presently chief public defender for Marion County, served as my chief trial deputy.

In 2008 I returned to private practice and joined the firm of Gresk & Singleton as "of counsel". Gresk & Singleton is primarily an immigration law firm and I provided criminal defense representation to foreign national clients with criminal defense issues. Early on I became interested in the practice of deportation and removal defense in the immigration courts in Chicago, Illinois. As not many attorneys in Indiana provided those legal services my practice quickly built to full time deportation/removal defense law. I was again invited by the United States District Court judges for the Southern District of Indiana to accept a Federal Community Defender contract attorney position and, until I was appointed to the criminal bench in 2014, handled criminal cases in the U.S. Courts.

In December 2013 the Indiana Supreme Court appointed me as permanent judge pro tempore to complete the term of an elected judge that had been removed from the bench. I accepted the assignment, closed my private practice and served through the 2014 calendar year as presiding judge for Marion County Superior Court Criminal Division Seven, a misdemeanor court.

At the close of the judicial appointment I was appointed by Governor Mike Pence as Chairman/Director of the Indiana Alcohol & Tobacco Commission the position in which I currently serve.

5. Trial/Judicial Experience

A. Describe the extent of your jury trial experience.

During the 10 years as a deputy prosecutor in Marion County, including 8 years as chief trial deputy, I prosecuted and tried to conclusion over 75 major felony criminal jury trials. Ten (10) of those trials were death penalty cases. One (1) capital defendant was convicted with a jury recommendation for death but the court sentenced the defendant to a lengthy term of years instead. Nine (9) defendants were convicted as charged and sentenced to death of which three (3) were executed. The six (6) remaining defendant's capital cases were reversed for a variety of reasons (none of which were attributable to the state) and the defendants were subsequently sentenced to lengthy terms of years.

As a criminal defense attorney I tried to conclusion over 10 major felony jury trials in both state and federal court. One of the criminal defense trials was prosecuted as a capital case until the eve of trial when the death penalty information was dismissed and substituted with a life without parole request, *State of Indiana vs. William Alcorn*, 49G06-9112-CF-170715. The defendant was acquitted at trial.

I tried to completion one civil jury trial receiving a monetary award for my client for damages sustained as a result of faulty tires.

B. Describe the extent of your bench trial experience.

In that my experience as a prosecutor started in major felony court, the majority of the criminal were by jury. From time to time the defendant would waive jury and substitute a bench trial. I did not keep an accurate account of bench trials as I did felony jury trials. I would estimate perhaps 10 -15 bench trials as prosecutor over the decade of prosecution.

As a defense attorney, on the other hand, bench trials were more common. As a defense attorney I estimate I have concluded trial by court over 50 individual cases. The bench trials were mostly misdemeanor case and a few major felony cases.

As presiding judge in Marion Superior Court Criminal Division Seven, a misdemeanor court, bench trials were a common occurrence. I estimate at least 3-5 bench trials in a typical calendar week for the calendar year 2014. All cases that were appealed from Court Seven for the time I presided have been affirmed on appeal.

C. Describe the nature and extent of your judicial experience (including judge pro tempore). Include a description of your experience over jury trials.

Master Commissioner Marion County Circuit Court -From 1990 to 1995 I served as Master Commissioner in the Marion County Circuit Court. As Master Commissioner I was responsible for a weekly docket of civil cases including name changes, civil cases, contract disputes and re-docketed family law matters mainly child support and custody cases. During that period I presided over several bench trials involving civil disputes for minor personal injury and property damage claims. I resigned that position when I was named chief public defender for Marion County in 1995.

Judge Pro Tempore - I sat as judge pro tempore for Judge Patricia Gifford Marion Superior Court Criminal Division Four sometime in the early 1990s on a felony drug jury trial. The defendant was convicted and the conviction affirmed on appeal.

In 2014, I sat for Judge Marc Rothenberg in Marion Superior Criminal Court Two on a seven (7) count A felony child molest jury trial. Defendant was convicted and the conviction and sentence was affirmed on appeal.

Permanent Judge Pro Tempore -as presiding-judge for Marion Superior Court Criminal Division Seven in 2014 I presided over seven (7) criminal misdemeanor jury trials. All of the convictions were affirmed on appeal.

6. Professional Experience

Include as writing samples, four selections (in total) from the written material listed below in Subsections 6A-6C.

A. If applicable, list up to five trial or appellate briefs and/or judicial opinions you have written. Refer to them by caption, case number and filing date - **Attached Tab C 1-4**

1. Brief of Appellant –*Christina Galvin and James McDaniels vs. State of Indiana* filed May 3, 1991 under Appeals Cause No. 12A02-9006-CR-363; *Galvin Vs. State*, 582 N.E. 2d 421 (Ind. App. 5 Dist. 1991). Attached Tab C-1
2. Brief of Appellee – *State of Indiana vs. William Alcorn* interlocutory appeal filed on January 5, 1994, under Supreme Court cause no. 49S00-9305-DP-585 appeal from Marion Superior Court Criminal Division Room 6 cause no. 49G06-9112-CF-170715. Attached Tab C-2
3. Brief of Appellant – *Mitchell Wayne Andrews vs. State of Indiana*, filed October 25, 1991, 49A05-9106-CR-00182, appeal from the Marion Superior Court Criminal Division Five, 49G05-8809-CF-098711. (not attached pursuant to instructions limiting writing samples to four)
4. Administrative Judicial Order on Motion to Dismiss – filed June 30, 2015, Indiana Alcohol and Tobacco Commission *In Re: Indiana Beverage, Inc. and Five Star Distributing, Inc.* citations 003809, 003811 and 003812. Attached Tab C-3

- B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, date, and subject matter – **attached Tab C-4**

**Title 905 Alcohol and Tobacco Commission
Emergency Rule
LSA Document #15-455(E)**

- C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter. **None**
- D. Identify the five most significant legal matters entrusted to you, whether as a judge or lawyer, and describe why you believe them to be so.

Appointment as Judge In Marion County Criminal Division Seven – In 2013 a local elected judge was disciplined by the Indiana Supreme Court for failure to properly administer and train court staff and for general dereliction of duty as a Superior Court judge. As a direct result of the judge's misconduct Marion Superior Court Criminal Division Seven was in disarray, staff morale was at an all time low and the movement of cases had nearly ground to a halt. The back log of cases was large, numerous motions remained un-ruled on and requested hearings had not been calendared. Several bifurcated court trials had never been re-calendared. The Indiana Supreme Court turned to me to restore order and dignity to the sysytem. No greater professional honor or responsibility has been bestowed on me than when our Indiana Supreme Court displayed the confidence and trust in me to restore efficiency and justice to this broken court. Using the very staff that the disciplined judge claimed was the source of the problems, we returned Court 7 to an efficient, productive high volume misdemeanor criminal court.

Service as Chief Public Defender for Marion County –Being responsible for and providing constitutionally mandated effective assistance of counsel for indigent clients is critical to our criminal justice system. Competent representation for criminal defendants is not high on funding priority lists but if our system of criminal justice is to truly work the least of our citizens charged with criminal offenses needs quality representation. I told the PD staff they were the "Keepers of the Keys to the Integrity of the Criminal Justice System " and it is true. Every day those young attorneys and support/administrative staff in the public defender agency acted out the highest principles of our legal profession. In Subsection 7A below I recite in detail the improvements to the Marion County Indigent Defense

system attributable to my administration while chief public defender. I believe that my most meaningful service to the legal community and the greatest impact for good on our legal system has been in changing for the better what it means to be represented by public attorneys in Marion County.

Chief Trial Deputy for the Marion County Prosecutors office/Capital Litigation – *State of Indiana vs. Tommie Smith and Gregory Resnover* involved the shooting of an Indianapolis City Police Detective, Jack Orhberg, who was murdered in a shoot out while serving a murder warrant. This was my first death penalty case as a prosecutor nine more capital cases were to follow. Certainly being entrusted with major, high profile criminal litigation was professionally gratifying and humbling. This case, however, represented more than just a killing. The attack against Detective Orhberg and the other IMPD officers present that day was an attack on our form of self governance, our rules of order and our system of law enforcement. Unlike other forms of criminal prosecution at the end of a death case there was no real sense of elation or the normal rush associated with victory in the court room. Rather, a sobering sense that things were somehow spinning out of control and a general, inescapable sadness for everyone involved. The work I did in capital litigation changed me as a person and a professional.

Service as Board of Directors for Indiana Public Defender Council - in my years in the legal profession I found no greater calling than indigent defense. Insuring that the least of us are properly represented is the foundation of our criminal justice system. I recall as a prosecutor realizing the greatest opportunity for justice came when there was a good judge, a good prosecutor and a good defense attorney. All three were indispensable foundations supporting the integrity of our criminal justice system. Being able to provide research services, technical support and training to indigent defense counsel across the state of Indiana was an opportunity to improve our criminal justice system and change for the better what it meant to be represented by indigent defense counsel in Indiana.

Private Practice in Immigration/Deportation Defense – U.S. immigration laws can be draconian and often individual justice was not a natural by-product of the immigration justice system. Those foreign nationals caught in the tangle of homeland poverty and violent upheaval, those desiring to find a better life for their families, or those brought to the U.S. as minor children were often oppressed by the system of immigration review. It was extremely important and gratifying to be able to assist those foreign national clients who were incapable of navigating the complicated immigration laws which, in many instances, provided for relief from deportation. Individual lives and the fate of family unification were often in the balance.

7. Efforts to Improve the Legal System, Administration of Justice, or Society

- A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations toward the improvement of the law, the legal system, or the administration of justice. Include a description of any management or leadership roles you undertook to achieve these goals, and describe any specific instances in which your collaborative efforts helped achieve those goals.

Chief Public Defender for Marion County – in 1994 Marion County created the Public Defender Agency. When I took over as chief public defender;

- the agency had less than 30 full time employees
- only 4-5 full time attorneys including myself
- inadequate and unprofessional office space
- out dated computer technology
- no support serves
- An inadequate budget of less than \$5 million.

When I left 13 years later;

- total full time employment exceeded 220 employees of which 110 were full time attorneys;
- support services included full time court and investigative paralegals, full time investigators, and an expert witness fund.
- the agency was in full compliance with Indiana Public Defender Commission standards which resulted in 40% reimbursement to Marion County coffers for annual non capital defense expenditures and 50% reimbursement for capital expenditures;
- technology was improved in that full time employees had their own PC with full Lexis Nexus research capabilities;
- maximum caseload standards were implemented;
- an in-house CLE accredited training division was created;
- Internal mentoring systems were created;
- Minimum experience requirements were established;
- Quality control measures were implemented;
- Average experience level in major felony courts exceed 7 years;
- New professional works space in the Gold Building was approved;
- The total annual budget exceeded \$19 million.

Certainly the about face for indigent defense was a factor of just how far “off the mark” funding for this critical service had become in Marion County. Our success

however, was driven by determined, directed leadership and the competent, engaged staff hand selected to champion this cause. City County councilors had to be convinced to dedicate county money to fund an unpopular cause. We re-framed indigent defense issues in language that county authority sources could find valuable. By acknowledging that representing criminals as an unpopular cause and that effective representation of counsel for alleged criminals was not a priority to many elected officials, we successfully defined indigent defense issues as being cost effective representation entitling the county to significant reimbursement incentives by the Indiana Public Defender Commission. By building relationships with the funding authorities, by creating levels of trust and by being good stewards of public monies, we were able to receive adequate funding for indigent defense in Marion County.

Refusing Cases Juvenile Division - During my administration as chief public defender it became apparent that the juvenile division of the Marion County Public Defender Agency was grossly understaffed and over worked. Attorneys in the Juvenile Division were receiving case assignment by the juvenile court that exceeded many times over the national average for juvenile case assignments. The overwhelming case loads resulted in not just ineffective representation but effectively no representation in juvenile courts by public defender attorneys. After unsuccessful attempts at obtaining the support of the juvenile presiding judge and the Marion County City County Council, I announced that the agency would refuse to accept further case assignments unless and until adequate staff and funding goals were met.. After a period of several months, many meetings and threats of contempt later the staffing and funding goals were met.

Marion County Drug Treatment Court – As part of a study completed by American University of the Marion County PD system, I spent time in the Dade County, Miami, Florida Public Defender Agency. During my stay I was exposed to the drug treatment court. I brought that concept back to Marion County and persuaded the local judiciary, Prosecutor's office and the City County Counsel to fund the first Drug Treatment Court in Indiana. That Drug Treatment Court started in the early 1980s has expanded to include reentry. Hundreds of people have benefited from the second chance offered by Drug Treatment Court concept.

Marion County Forensic Services Agency - In the early 1980s efforts to create an independent forensic services agency were initiated by then Prosecutor Stephen Goldsmith (forensic services at that time were a branch of the Indianapolis Police Department). He placed me in charge of securing the necessary cooperation from major players in the criminal justice system and making the presentation for funding. I also lead the search for the first crime lab director. The agency was created and still operates today as an independent forensic laboratory.

Duval Work Release Center – In the 1980s Marion County had limited and understaffed work release facilities. While chairman of the Marion County Community Corrections Advisory Board, I along with Director Brian Barton, spearheaded the effort to create a new community corrections work release center. This included designing and securing the facilities, establishing support within the system and securing the necessary funding. Duval Work Release Center, still in operation, had expanded capacity, improved facilities and better trained support staff.

- B. Describe your efforts, achievements, or contributions (including, written work, speeches, or presentations concerning civic, political, or social issues. Include a description of any management or leadership roles you undertook in this area, and describe any specific instances in which your collaborative efforts in this area led to a successful result.

American University Technical Assistance Team for Jail Overcrowding and Efficient court Function – From 2007 to 2009 I was selected as part of a technical assistance team from American University in Washington D.C. to study and make recommendation to the Charlotte, North Carolina legal system relating to court efficiency problems and jail overcrowding issues. The team study required three visits to Charlotte of 3-4 days consisting of interviews of system actors and then team consultation for the final report. As a direct result of the team study many of the recommendations made by the study team were implemented which improved court efficiencies and reduced jail over-crowding.

- C. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) to improve your local, state, or national community through charitable work or public service. Include a description of any management or leadership roles you undertook in this areas, and describe any specific results in which your collaborative efforts in this area lad to a successful result.

I believe my time as chief public defender in Marion County Indiana was a significant step in improving the overall quality of indigent defense representation. I worked closely with the Marion County City County Council, the Marion County judiciary, the Mayor's Office and the Indiana Public Defender Commission in order to bring together these different factions, all who had very different interests in the system, to obtain the necessary funding, staffing and support systems to enable Marion county to meet its constitutional mandate of providing effective representation of counsel to indigent citizens.

- D. Describe the nature and extent of *pro bono* legal services you have contributed

Through my entire career I have made it a practice to represent at least one pro bono client per year. I have never sued a client for a fee. I have contributed pro bono services through the Indianapolis Bar Associations "Ask a Lawyer" program

wherein citizens have access to attorneys who provide free initial consultations relating legal problems they are experiencing.

E. Indicate your experience teaching law. Provide dates, names of organizations or programs and description of the subject matter taught.

- **Adjunct Professor of Trial Advocacy, Indiana University School of Law Indianapolis, 1994 to present.** Teaching students practical skills in trial presentation including evidence, evidentiary foundations, motions practice, direct and cross examination, impeachment and opening and closing remarks.

○

- **Adjunct Professor IUPUI / SPEA**

Introduction to Criminal Law – Fall 2009

Criminal Evidence – spring 2010

Introduction to Criminal Law – Fall 2010

Criminal Evidence – fall 2011 & spring 2013

Introduction to Criminal Justice System – Fall 2014

- National Institute of Trial Advocacy, NITA Certified Trainer 1981
- Guest Lecture NLADA, Indiana Public Defender Council. 1990s
- Guest Lecturer National Institute for Prosecutor / Capital Punishment 1980s
- Guest lecturer Indiana University School of Law/Bloomington on death penalty and trial advocacy, 1980s
- ICLEF Faculty Trial Advocacy, 2005-2008 & 2010 -2012
- ICLEF Faculty Lecturer, Immigration 2012

8. Membership and Other Activities

A. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organization and your involvement.

- **Vice President Indianapolis Bar Association – 2009**
- **Indianapolis Bar Association Member since 1985**
- **Indianapolis Bar Association Executive Committee, 2009**
- **Indiana Public Defender Council Board of Directors 2001 to 2014**
- **Indiana Public Defender Council Board of Directors, Vice Chairman 2008 to 2010**
- **Indiana Public Defender Council Board of Directors, Chairman 2012 to 2014**
- **Board of Directors Legal Aid Society, 2009 -2013**
- **Indiana Association of Chief Defenders, member 2001 -2008**
- **Indiana Association of Chief Defenders, Chairman 2001-2008**

- **Executive Committee American Council of Chief Defenders, NLADA Indiana representative, past**
- **Marion Community Corrections Advisory Board, Chairman, 2003 to 2008**
- **Marion County Forensic Services Agency Board of Directors, 2013**
- **Marion County Forensic Services Agency, Chairman, 2014**
- **Marion County Criminal Justice Planning Council, member 2004 to 2008**

B. List any memberships and offices you have held in civic, charitable, or services organizations, including dates and descriptions of purposes of the organizations and of your involvement.

I was on the Girl Scout Board of Directors in the late 1970's for approximately 1 year.

I served briefly as a member of the Board of Director for the Indianapolis Dance Club in the 1970's

C. List any memberships you hold in social clubs, organizations, if any restricts membership on the basis of race, sex, religion or national origin, please describe your efforts within the organization to eliminate restrictions.

- **Member of Kappa Delta Rho, Nu Chapter, a men's fraternity at Indiana University Bloomington campus. Membership was limited to males. No effort was made to lift this restriction as it was a men's fraternity and women had the comparable sorority organizations. The fraternity did not restrict membership on race, religion or national origin.**
- **I was also served on the Kappa Delta Rho Nu Chapter Alumnus Board of Directors from 2009 2012.**

D. Describe your hobbies and other leisure activities.

I play golf and fancy myself a good handyman for home project. I enjoy improving my home and property. My wife and I are avid movies goers. I love to cook.

9. Legal Proceedings

A. List any lawsuits or legal proceedings in any jurisdiction, including but not limited to bankruptcies, dissolutions, and criminal matters to which you have been a party, Provide dates, case numbers, courts, names of other parties, and , if needed, a brief explanation. (If minor children are involved [i.e. an adoption] use initials only.

- **No criminal arrests or convictions**
- **No bankruptcy actions filed.**

Personal

- David Cook vs. Jacque Cook – dissolution – 1978, Marion County Superior Court (unable to locate cause no.)
- David Cook vs. Marilyn Cook – dissolution – 1981, Marion County Superior Court (unable to locate cause no.)
- David Cook vs. Judy Cook – dissolution – 1990, Marion County Superior Court 1, Civil Division, 41D01-9012-DR-00492
- David Cook vs. Colleen Cook – dissolution – 2004, Marion County Superior Court, 49D05-0409-DR-001765

In my capacity as chairman of the Indiana Alcohol & Tobacco Commission;

Indiana Petroleum Marketers and Convenience Store Associations; Thornton's Inc., Ricker Oil Company, Inc., Freedom Oil, Inc. vs. David Cook et al in the Marion Superior Court 49D04-1407-PL-023480

Monarch Beverage Co., Inc. vs. Dale Grubb, David Cook, David Coleman and Marjorie Maginn (in our official capacities as the Indiana Alcohol & Tobacco Commission) Southern District of Indiana

Monarch Beverage Co, Inc., vs. Dale Grubb, David Cook, David Coleman and Marjorie Maginn (in our official capacities as the Indiana Alcohol & Tobacco Commission)

Marion Superior Court
49D02-1403-PL-006456

A challenge to the constitutionality of Indiana law prohibiting a permittee from holding a beer wholesaler license and a liquor wholesaler license at the same time.

EF Transit, Inc. and Monarch Beverage Company, Inc. vs. David Cook, et al, US District Court for the Southern District of Indiana Indianapolis Division,
1:15-cv-0419-JMS-MJD

EF Transit, Inc. Vs. David Cook, et al
US District Court for the Southern District of Indiana
1:15-cv-940-SEB-DKL

Legato Vapors, LLC., Jet Setter Juice, LLC., and Derb E Cigs Indiana, LLC., vs. David Cook, et al
US District Court for the Southern District of Indiana
1:15-cv-761-SEB-TAB

A challenge to the constitutionality of PL 176 regulating open containers e liquids based on Equal Protection and Immunities clause.

Hoosier Vapors, Inc.; Indy Vapor Shop, L.L.C.; Just Vapor, L.L.C.; Melissa Zollicoffer dba Big Willies E Liquids; Glass City Vapory, L.L.C.; Boosted, L.L.C. dba Boosted E Juice; and Brent Taylor vs. David Cook, et al

**Marion Superior Court Civil Division Room 4
49D04-1512-PL-041749**

A constitutional challenge alleging Public law 176 violates Indiana Due Process and Privileges and Immunities Clause.

- B.** If you have ever been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

I have never been arrested or charged with any violation of the law other than routine traffic violations.

- C.** If you have ever been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date case number (if applicable) and describe the circumstances and the nature of the outcome or resolution.

I have never been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission or any other similar entity in this or any other state or jurisdiction.

- D.** If you have any outstanding federal, state or local tax obligations, please itemize and explain.

I am current on all federal, state and local tax obligations and I have no outstanding tax obligations in this or any other jurisdiction.

10 References

- A.** Provide the names of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court (contact information to be included in Part Two)

1. James Volyes, Attorney

2. **Robert Hammerle, Attorney**
3. **Scott Newman, Attorney**

B. Provide the names of three professional references other than those listed in Subsection 10A (contact information to be included in Part Two of this application)

1. **Honorable William Nelson, Judge Marion Superior Court 18**
2. **Honorable William Lawrence, US District Court for the Southern District of Indiana**
3. **Joseph Murphy, Attorney**

C. Provide the names of three personal references other than those listed in 10A or 10B (contact information to be included in Part Two of this application).

1. **Donna Boyle**
2. **Steve Ousnamer**
3. **Brian Barton**

11 State Police Release Form and Photograph

- A. Complete a State Police Release Form printed on green paper (you may obtain the release form by contacting the Nominating Commission Office at 317-232-4706). Include the release form with the original application only and not with copies – **attached Tab D (Original application only)**
- B. Attach a recent photograph of you to the front of the original application and to each copy of your application. (This allows the Commission members to put a face with a name if you are interviewed) – **attached**

January 21, 2016

Date

Applicant's Signature

Printed Name